

DISPOSITION: April 29, 1954. The defendants having entered pleas of guilty, the court fined Defendant Suydam \$750 and Defendant Gordon \$150. Defendant Suydam also was sentenced to 6 months in jail and Defendant Gordon to 3 months, but both jail sentences were suspended and Defendant Suydam was placed on probation for 6 months and Defendant Gordon for 3 months.

4352. Adulteration and misbranding of Neo-Lifo B-12 and Livo-12-Crude. U. S. v. American Bio-Chemical Corp., Abraham Rothenberg, and Vincent M. Leuterio (indictment). U. S. v. Al G. Johns (information). Pleas of guilty. Fine of \$400 against corporation and \$50 against each individual. (F. D. C. No. 33769. Sample Nos. 33249-L, 42312-L, 53016-L.)

INDICTMENT RETURNED: Between August 12 and October 1, 1953, Southern District of California, against the American Bio-Chemical Corp., Los Angeles, Calif., Abraham Rothenberg, production manager of the corporation, and Vincent M. Leuterio, bacteriologist of the corporation.

INFORMATION FILED: December 14, 1953, Southern District of California, against Al G. Johns, president and treasurer of the American Bio-Chemical Corp.

ALLEGED VIOLATION: On or about July 3 and 14, 1952, the defendant corporation and each of the individual defendants caused to be introduced into interstate commerce, at Los Angeles, Calif., for delivery to Detroit, Mich., and Herrin, Ill., a quantity of *Neo-Lifo B-12* which was adulterated and misbranded.

In addition, the defendant corporation and Defendant Rothenberg and Defendant Leuterio, on or about May 14, 1952, gave to a firm engaged in the business of shipping drugs in interstate commerce, at Palo Alto, Calif., an invoice containing a guaranty which provided that the *Livo-12-Crude* listed in the invoice was neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about May 14, 1952, the defendant corporation and Defendant Rothenberg and Defendant Leuterio delivered to the holder of the guaranty, at Palo Alto, Calif., a quantity of *Livo-12-Crude* which was adulterated and misbranded.

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality and purity of the articles fell below that which they were represented to possess. The articles were represented to be sterile, whereas they were not sterile but were contaminated with viable micro-organisms.

Misbranding, section 502 (a), the label statement "Sterile Solution" appearing on the label of each of the articles was false and misleading since the articles were not sterile solutions but were solutions contaminated with viable micro-organisms.

DISPOSITION: January 4, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$400 and each individual defendant \$50.

4353. Adulteration and misbranding of digitoxin tablets. U. S. v. 36 Bottles * * *. (F. D. C. No. 36225. Sample No. 39649-L.)

LIBEL FILED: January 7, 1954, Southern District of California.

ALLEGED SHIPMENT: On or about September 28, 1953, by Richlyn Laboratories, from Philadelphia, Pa.

PRODUCT: 36 1,000-tablet bottles of *digitoxin tablets* at Los Angeles, Calif. Examination showed that the product contained 0.15 mg. of cardioactive gly-

cosides per tablet, corresponding to only 75 percent of the declared amount of digitoxin.

LABEL, IN PART: (Bottle) "Tablets Digitoxin USP 0.2 Mg."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article was a drug, the name of which is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from the official standard. The standard requires that *digitoxin tablets* contain not less than 90 percent of the labeled amount of digitoxin, whereas the article contained not more than 75 percent of the labeled amount of cardioactive glycosides calculated as digitoxin.

Misbranding, Section 502 (a), the label statement "Tablets Digitoxin USP 0.2 Mg." was false and misleading as applied to the article, which contained not more than 75 percent of the declared amount of digitoxin per tablet.

DISPOSITION: March 9, 1954. Default decree of condemnation and destruction.

4354. Adulteration and misbranding of C-Tone. U. S. v. 17 Cases, etc. (F. D. C No. 35417. Sample No. 17646-L.)

LABEL FILED: September 10, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1953, by Byrne Products, Inc., from New York, N. Y.

PRODUCT: 17 cases, each containing 12 bottles, of *C-Tone* at Los Angeles, Calif., together with a number of leaflets entitled "Which Of These Dread Killers Threaten Your Advancing Years?" a number of placards headed "For That Pep of Health Natural C-Tone," and a number of placards entitled "Which of These Conditions Threaten Your Advancing Years?"

Analysis showed that the product contained less than 0.04 milligram of niacin per 4 tablespoons.

LABEL, IN PART: (Bottle) "Rich In Activated Enzymes C-Tone The Natural Vitamin C Tonic * * * Four tablespoons furnish: * * * Natural Niacin . . . 0.08 mg. * * * 8 Fl. Oz. Net."

NATURE OF CHARGE: Adulteration, Section 501 (c) the strength of the article differed from that which it purported and was represented to possess, namely, 0.08 milligram of niacin per 4 tablespoons.

Misbranding, Section 502 (a), the label statement "Four tablespoons furnish: * * * Natural Niacin . . . 0.08 mg." was false and misleading as applied to the article, which contained less than 0.08 milligram of niacin per 4 tablespoons; the label statements "Rich In Activated Enzymes" and "Vitamin C Tonic" were false and misleading since they represented and suggested that the article was of nutritional and therapeutic value because of enzyme content and that it was effective as a tonic, whereas the article was of no value because of its enzyme content and was not a tonic; and certain statements on the above-mentioned leaflets and placards accompanying the article were false and misleading since they represented and suggested that the article was an adequate and effective treatment for high blood pressure, hardening of the arteries, ulcerative colitis, fading strength, nervous exhaustion, failing memory, cerebral rupture, valvular disease of the heart, pulmonary tuberculosis, general weakness, fatigue, headaches, and dizzy spells, and that it was effective to provide energy and improve digestion, whereas the article was not an adequate and effective treatment for such conditions and would not fulfill the promises of benefit stated and implied.